

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JANE DOE 1, *et al.*

Plaintiffs,

v.

GOVERNMENT OF THE UNITED  
STATES VIRGIN ISLANDS, *et al.*

Defendants.

Case Number: 1:23-cv-10301-AS

**MOTION TO WITHDRAW AS COUNSEL FOR FORMER GOVERNOR  
KENNETH MAPP AND FORMER ATTORNEY GENERAL VINCENT FRAZER**

Pursuant to Local Civil Rule 1.4, undersigned counsel David I. Ackerman and Venetia Velázquez respectfully request this Court’s permission to withdraw as counsel for Defendants Kenneth Mapp and Vincent Frazer in this matter due to a potential conflict of interest. Mr. Ackerman and Ms. Velázquez will remain counsel for Defendant Government of the U.S. Virgin Islands. Mr. Mapp and Mr. Frazer have been advised of this withdrawal and a copy of this motion has been emailed and mailed to them concurrent with filing.

In support of this motion, Mr. Ackerman and Ms. Velázquez state as follows:

1. Defendant Kenneth Mapp served as Governor of the U.S. Virgin Islands between January 5, 2015 and January 7, 2019.<sup>1</sup> Defendant Vincent Frazer was sworn in as Attorney General of the Virgin Islands in May 2007 and his term ended in 2015.<sup>2</sup>

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<sup>1</sup> See Dkt. 68-2 (Declaration of David I. Ackerman) at ¶ 2 & Exh. 2-A.

<sup>2</sup> *Id.* at ¶¶ 3-4 & Exhs. 2-B & 2-C.

2. Plaintiffs’ Amended Complaint asserted claims against the Government of the U.S. Virgin Islands and against Mr. Mapp and Mr. Frazer solely in their official capacities.<sup>3</sup> Consistent with that understanding, undersigned counsel undertook their representation in this matter.<sup>4</sup>

3. Plaintiffs have now filed a Second Amended Complaint, asserting claims against Mr. Mapp and Mr. Frazer “in their individual and official capacities because they committed the conduct alleged before, during, and/or after they left office.”<sup>5</sup>

4. Because Plaintiffs expanded their allegations, a potential for conflict of interest has arisen that may affect the undersigned’s representation of Messrs. Mapp and Frazer. Consistent with their ethical obligations, Mr. Ackerman and Ms. Velázquez request that the Court permit them to withdraw from representing Mr. Mapp and Mr. Frazer in this matter.

5. By submitting this motion, the undersigned do not suggest—or intend to suggest—that Messrs. Mapp and Frazer have committed any wrongdoing, or that Plaintiffs’ allegations against them have merit. Undersigned counsel submit this motion solely to comply with their ethical obligations in this matter.<sup>6</sup>

6. Mr. Mapp and Mr. Frazer have been informed of this decision and of the intent to file this motion to withdraw. Concurrent with filing, undersigned have served Mr. Mapp and Mr. Frazer with copies of this motion by email and U.S. mail.

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<sup>3</sup> See, e.g., Dkt. 7 at ¶ 12 (asserting claims against “[g]overnment officials, including but not limited to . . . [former] Governor Kenneth Mapp . . . [and former] Attorney General Vincent Frazer”); ¶ 31 (alleging that “Defendant Governor Kenneth Mapp was, at all relevant times, the governor of USVI”); ¶ 33 (alleging that “Defendant Attorney General Vincent Frazer was, at all relevant times, the Attorney General of USVI”).

<sup>4</sup> See, e.g., Dkt. 70 at p. 12 (noting that service upon Mapp and Frazer was ineffective because “Plaintiffs sue both only in their official capacities.”); Declaration of Venetia Velázquez at ¶ 2; Declaration of David I. Ackerman at ¶ 2.

<sup>5</sup> Dkt. 112 at ¶ 36.

<sup>6</sup> Declaration of Venetia Velázquez at ¶ 5; Declaration of David I. Ackerman at ¶ 5.

7. Neither Mr. Ackerman nor Ms. Velázquez is asserting a retaining or charging lien in connection with this withdrawal.<sup>7</sup>

WHEREFORE, Mr. Ackerman and Ms. Velázquez respectfully request that the Court enter an Order pursuant to Local Civil Rule 1.4 granting this motion and formally terminating their representation of Mr. Mapp and Mr. Frazer in this matter.

Dated: July 2, 2024

Respectfully Submitted,

By: /s/ David I. Ackerman  
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\*Signed by David I. Ackerman with consent of Venetia Velázquez

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<sup>7</sup> Declaration of Venetia Velázquez at ¶ 7; Declaration of David I. Ackerman at ¶ 7.